

Violation.

employed. Any person violating this section of this act of Assembly, as to the display of his permit or his own or his employes' certificates, shall, upon conviction, be sentenced to pay a fine of ten dollars (\$10.00) and the costs of prosecution.

Penalty.

APPROVED—The 1st day of July, A. D. 1937.

GEORGE H. EARLE

No. 531

AN ACT

To prohibit the wilful and malicious breaking or destruction of certain milk bottles or other dairy product containers; and prescribing fines or penalties therefor.

Section 1. Be it enacted, &c., That it is hereby declared to be unlawful for any person, firm, corporation, partnership, or association to wilfully and maliciously break or destroy milk bottles or other dairy product containers, except paper containers and containers used for the retail sale of evaporated milk. Any person, general manager, superintendent, agent, or person in charge of the work of any corporation, firm, partnership, or association, or any individual violating any of the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding one hundred dollars (\$100.00), or undergo an imprisonment in the county jail of the proper county for a period not exceeding sixty days, or both, at the discretion of the court.

APPROVED—The 1st day of July, A. D. 1937.

GEORGE H. EARLE

No. 532

AN ACT

To amend the act, approved the sixth day of April, one thousand nine hundred and eleven (Pamphlet Laws, fifty-one), entitled "An act providing for the protection of the public health and the prevention of fraud and deception, by prohibiting the sale, the offering for sale, or exposing for sale, or having in possession with intent to sell, of adulterated or deleterious sausage; defining sausage; and prescribing the penalty for the violation thereof," as amended, further regulating the adulteration of sausages; changing the penalties prescribed; and providing for injunctions in certain cases.

Section 3, act of April 6, 1911 (P. L. 51), as amended by act of July 10, 1919 (P. L. 899), further amended.

Section 1. Be it enacted, &c., That section three of the act, approved the sixth day of April, one thousand nine hundred and eleven (Pamphlet Laws, fifty-one),

entitled "An act providing for the protection of the public health and the prevention of fraud and deception, by prohibiting the sale, the offering for sale, or exposing for sale, or having in possession with intent to sell, of adulterated or deleterious sausage; defining sausage; and prescribing the penalty for the violation thereof," as amended by the act, approved the tenth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, eight hundred ninety-nine), is hereby further amended to read as follows:

Section 3. That for the purpose of this act, sausage shall be deemed to be adulterated: Adulteration.

First. If it contains added water or ice in excess of the quantity required to bring the amount up to that which the meats from which it is prepared contain immediately after slaughter, excepting such water and ice as may be added for the purpose of facilitating grinding, chopping, and mixing, and which shall in no case exceed [five] *seven* per centum, *as determined by the methods prescribed by the Department of Agriculture.* Water and ice.

Second. If it contains any cereal, [or] vegetable flour, *vegetable product, milk powder, or cracklings.*

Third. If it contains any coal-tar dye, or any *added vegetable coloring*, boric acid, or borates, sulphites, sulphur dioxide, sulphurous acid, or any other substances injurious or deleterious to health.

Fourth. If it contains any diseased, contaminated, filthy, or decomposed substance; or is manufactured, in whole or in part, from a diseased, contaminated, filthy, or decomposed substance, or a substance produced, stored, transported, or kept, in a way or manner that would render the article diseased, contaminated, or unwholesome; or if it is any product of a diseased animal or the product of any animal which has died otherwise than by slaughter.

Section 2. That sections four, five, and six of said act are hereby amended to read as follows: Sections 4, 5 and 6, amended.

Section 4. (a) That any person who shall violate any of the provisions of this act, or any rule, regulation or order of the Department of Agriculture made pursuant to this act, shall [be guilty of a misdemeanor and] *for the first or second offense*, upon conviction thereof *in a summary proceeding*, [shall] be sentenced to pay a fine of not less than [one hundred (\$100)] *fifty (\$50)* dollars, nor more than two hundred (\$200) dollars [or] *and costs of prosecution, and, in default of payment of such fine and costs, shall be sentenced to undergo an imprisonment in the county jail of not less than thirty (30) days, nor more than sixty (60) days, and for a third or subsequent offense, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred (\$500) dollars,* Violations.

Penalty.

nor more than one thousand (\$1000) dollars, or to undergo imprisonment not exceeding one year, or both or either, at the discretion of the court.

(b) The Attorney General, at the request of the Department of Agriculture, may, in the name of the Commonwealth, institute proceedings in equity in the court of common pleas of Dauphin County for the purpose of enjoining the sale within the Commonwealth of any sausage adulterated under the provisions of this act, and for such purpose, jurisdiction is hereby conferred upon said court. In such cases, the Attorney General shall not be required to give bond.

Section 5. That the [Dairy and Food Commissioner] *Department of Agriculture* shall be charged with the enforcement of the provisions of this act.

Section 6. That all fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid [to the Dairy and Food Commissioner, or his agent, and when so collected and paid shall thereafter be by the Dairy and Food Commissioner paid] into the State Treasury, [for the use of the Commonwealth] *through the Department of Revenue, and credited to the General Fund.*

APPROVED—The 1st day of July, A. D. 1937.

GEORGE H. EARLE

No. 533

AN ACT

To insure and protect fair trade practices in distribution; defining such practices; prohibiting the advertisement, offer for sale, or sale of merchandise at less than cost; and fixing a penalty for such advertisement, offer for sale, or sale; and investing the courts with jurisdiction to prevent and restrain violations of the act.

Be it enacted, &c., That,

Section 1. Definitions.—The words and phrases used herein shall, unless the context otherwise indicates, have the following meanings:

Definitions.

(a) "Cost to the retailer" shall mean—(1) the total consideration paid by the retailer for the merchandise delivered at the retail outlet; or (2) the total consideration necessary for the replacement of the merchandise to the retailer at the retail outlet, such consideration to be determined by applying to said merchandise the same cost per unit as the last quantity purchased by the retailer prior to the sale of said merchandise would have cost per unit if bought at the most favorable market price available to the retailer at any time within thirty